

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

IN RE PATENT APPLICATION OF)
Craig David Weissman, Gregory Vincent) Examiner: Not yet assigned
Walsh, Eliot Leonard Wegbreit)
Application No.: Not Assigned) Group Art Unit: Not yet assigned
Filing Date: Filed Herewith)
Title: *Method and Apparatus for*)
Creating a Well-Formed Database)
System Using a Computer)

)

POWER OF ATTORNEY BY ASSIGNEE
TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71
WITH REVOCATION OF PRIOR POWERS

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Paul Davis, Reg. No. 29,294; Mark A. Haynes, Reg. No. 30,846; David J. Weitz, Reg. No. 38,362; Kent R. Richardson, Reg. No. 39,443; Charles C. Cary, Reg. No. 36,764; George A. Willman, 41,378; Steven J. Benerofe, Reg. No. P-41,613; David Abraham, Reg. No. 39,554; John Bruckner, Reg. No. 35,816; Travis Dodd, Reg. No. P-42,491; U.P. Peter Eng, Reg. No. 39,666; Henry Groth, Reg. No. 39,696; Jinntung Su, Reg. No. P-42,174, and to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

X a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

— the Assignment recorded on __, frames __/__.

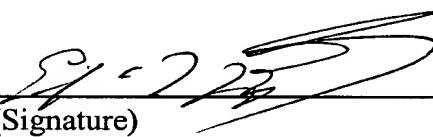
Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to Kent R. Richardson at (650) 354-4235.

Address all correspondence to:

Kent R. Richardson
WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304

ASSIGNEE: **EPIPHANY, INC.**

Name: 
(Signature)

Name: ELIOT L. WEGBREIT
(Print or Type)

Title: Chief Executive Officer

Date: 5/5/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application.) PATENT APPLICATION
)
Inventor(s): Craig David Weissman, Gregory Vincent)
Walsh, Eliot Leonard Wegbreit)
)
Serial No: Not Assigned)
)
Filed: Filed Herewith)
)
Title: *Method and Apparatus for Creating a*)
Well-Formed Database System Using)
a Computer)
)
)

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. § 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

The owner of the small business concern identified below.

An official of the small business concern empowered to act on behalf of the concern identified below.

Name: Epiphany, Inc.

Address: 2300 Geng Road, Suite 200, Palo Alto, California 94303

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35 U.S.C. in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified below with regard to the invention.

entitled: *Method and Apparatus for Creating a Well-Formed Database System Using a Computer*

by inventor(s): Craig David Weissman, Gregory Vincent Walsh, Eliot Leonard Wegbreit

described in:

X the Specification filed herewith
Application SC/Serial No. _____ filed _____
Patent No. N/A issued N/A

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME: _____

ADDRESS: _____

Individual Small Business Concern Nonprofit Organization

NAME: _____

ADDRESS: _____

Individual Small Business Concern Nonprofit Organization

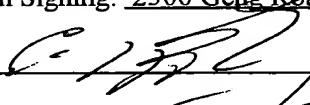
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: ELIOT L. WEGBREIT

Title of Person Signing: Chief Executive Officer

Address of Person Signing: 2300 Geng Road, Suite 200, Palo Alto, California 94303

Signature: 

Date: 5/15/98

* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).

Title 37, Code of Federal Regulations, § 1.9(c-f)

(c) **An independent inventor** as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) **A small business concern** as used in this chapter means any business concern as defined by the Small Business Administration in 13 CFR 121.12. For the convenience of the users of these regulations, that definition states:

121.12 Small business for paying reduced patent fees. (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41 (a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern

which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(e) **A nonprofit organization** as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

(f) **A small entity** as used in this chapter means an independent inventor, a small business concern or a nonprofit organization.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) <u>PATENT APPLICATION</u>
)
Inventor(s):	Craig David Weissman, Gregory Vincent)
	Walsh, Eliot Leonard Wegbreit)
)
Serial No.:	Not Assigned)
)
Filed:	Filed Herewith)
)
Title:	<i>Method and Apparatus for Creating a)</i>
	<i>Well-Formed Database System Using a)</i>
	<i>Computer)</i>
)

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR CREATING A WELL-FORMED
DATABASE SYSTEM USING A COMPUTER**

the specification of which (check applicable ones):

is attached hereto;

was filed with the above-identified "Filed" date and "Serial No."

was amended on (or amended through) .

The present application is a utility application of Prior Provisional Application, Application No. _____, filed: _____ and may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 119(e).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56, including information which became available between the filing date of the Prior Application and the national or PCT international filing date of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Full name of sole
or first inventor: CRAIG DAVID WEISSMAN

(1) Residence: 735 Old County Road, Apartment C
Belmont, CA 94002

(1) Post Office Address: Same As Above

(1) Citizenship: United States

(1) Inventor's signature: C. Weissman

(1) Date: 5/5/98

(2) Full name of second
joint inventor: GREGORY VINCENT WALSH

(2) Residence: 16000 Montebello Road
Cupertino, CA 95014

(2) Post Office Address: Same As Above

(2) Citizenship: United States

(2) Inventor's signature: Gregory V. Walsh

(2) Date: 5/5/98

(3) Full name of third
joint inventor: ELIOT LEONARD WEGBREIT

(3) Residence: 1516 Dana Avenue
Palo Alto, CA 94303

(3) Post Office Address: Same As Above

(3) Citizenship: United States

(3) Inventor's signature: Eliot Wegbreit

(3) Date: 5/5/98

Title 37, Code of Federal Regulations, §1.56

**SECTION 1.56. DUTY TO DISCLOSE INFORMATION
MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office; or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.
